

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

BRANDY DELOACH, et al.,)
Plaintiffs,) No. 1:19-CV-57 RLW
v.)
SHERIFF TERRY STEVENS,)
Defendants, et al.)

MEMORANDUM AND ORDER

This matter is before the court on the Plaintiffs' Motion to Amend Scheduling Plan (ECF No. 63). “[D]ue to the global pandemic and its effect on the parties[’] ability to safely conduct depositions,” Plaintiffs ask the Court to amend the Case Management Order and extend the deadline for completion of discovery from July 31, 2020 to September 18, 2020. (ECF No. 63). Plaintiffs state that Defendants Greenwell, Bost, Adams, Johnson and Stevens have yet to appear for depositions. (ECF No. 65). Likewise, Plaintiffs contend they have been unable to locate Ricky Williams, an eye witness to John Deloach’s death. (ECF No. 65).

The New Madrid County and Pemiscot County Defendants object to extending the discovery deadlines. The New Madrid County and Pemiscot County Defendants state that they understood the final depositions occurred on July 31, 2020. (ECF No. 64). Further, they state that all defendants have filed motions for summary judgment and were not previously advised that additional discovery would be requested.

At this stage of the litigation, the Court denies Plaintiffs' Motion to Amend the Scheduling Plan, without prejudice. Plaintiffs have not identified what specific information they seek from these proposed depositions or why these depositions were not able to be obtained prior to the

discovery deadline. In addition, the Court notes that Plaintiffs responded to all defendants' Motions for Summary Judgment without requesting any additional discovery. *See Fed. R. Civ. P. 56(d)* ("If nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition, the court may allow time to obtain affidavits or declarations or to take discovery."). Therefore, the Court finds that Plaintiffs have not made a proper showing to warrant extension of the discovery deadline.

Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' Motion to Amend Scheduling Plan (ECF No. 63) is **DENIED**, without prejudice.

Dated this 5th day of August, 2020.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE